

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MICHAEL D. and SHARRON MAYO,  
individually and on behalf of all those  
similarly situated,

Plaintiffs,

v.

GMAC MORTGAGE, LLC,  
USB REAL ESTATE SECURITIES, INC.,  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY (in its capacity as trustee of  
the MASTR SPECIALIZED LOAN  
TRUST 2007-01), and  
RESIDENTIAL FUNDING COMPANY, LLC

Defendants.

No. 08-00568-CV-W-DGK

**ORDER**

Now before the Court is Defendants' Motion to Strike (doc. 208). Defendants move to strike various exhibits to Plaintiffs' Suggestions in Opposition of Defendants' Motion for Summary Judgment, as well as approximately forty individually numbered "Additional Facts" submitted by the Plaintiffs for consideration on the summary judgment motion. Defendants argue the exhibits are not authenticated or contain legal argument, and that the additional facts are not supported by the cited portions of the record, contain inadmissible legal conclusions, or are irrelevant to resolution of the summary judgment motion.

The Court finds that some of these objections are well made. That said, the Court declines to strike the offending exhibits or additional facts. The Court will simply not consider those exhibits or facts that do not comply with Rule 56 in ruling on the pending summary judgment motion.

The Motion is DENIED.

**IT IS SO ORDERED.**

DATE: January 13, 2011

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT